



## ***ABRA Update #92 – August 12, 2016***

### **FERC Issues Schedule for ACP Environmental Review**

A schedule for the Environmental Impact Statement review for the Atlantic Coast Pipeline (ACP) was released on August 12 by the Federal Energy Regulatory Commission (FERC). The [Notice](#) identifies the FERC staff's planned schedule for completion of the final Environmental Impact Statement (EIS) for the ACP based upon the issuance of the draft EIS in December 2016.

#### Schedule for Environmental Review

Issuance of Notice of Availability of the final EIS	June 30, 2017
90-day Federal Authorization Decision Deadline	September 28, 2017

If a schedule change becomes necessary for the final EIS, an additional notice will be provided so that the relevant agencies are kept informed of the projects' progress.

The announced schedule is consistent with the overall project timetable for the ACP that was published earlier this month by FERC in a [pamphlet](#) mailed to its mailing list. Following the issuance of the draft EIS there will be a public comment period on the draft.

### **Challenge to VA Survey Law Granted Appeal Hearing**

A law suit filed by a group of Nelson County, VA landowners in September 2014 to challenge the constitutionality of the Virginia statute that permits natural gas companies to survey a landowner's property without permission (VA Code 56-49.01) has been granted a hearing on appeal by the U.S. Fourth Circuit Court of Appeals. The hearing is expected to take place in late October 2016. VA Code Section 56-49.01, passed in 2004 almost unanimously by the General Assembly, permits a natural gas company to survey land without a property owner's permission.

In *Klemic, et.al. vs. Dominion Transmission, Inc.* the plaintiffs contended that the law violates the U.S. Constitution, as follows:

*When a State takes away the property rights of its citizens, such taking amounts to one or more of the following: a taking under the Fifth Amendment, a seizure under the Fourth Amendment, or a deprivation under the Fourteenth Amendment; and the State is obligated to provide either compensation for the taking, or, when it is not a taking, due process prior to the seizure or deprivation*

**For questions about Update items, contact:**

Articles – *Lew Freeman, [lewfreeman@gmail.com](mailto:lewfreeman@gmail.com)*

In the News – *Dan Shaffer, [dshaffer@abralliance.org](mailto:dshaffer@abralliance.org)*

On September 30, 2015 the Federal District Court for the Western District of Virginia concluded that the challenge to the statute failed because “the statute does not deprive a landowner of a constitutionally protected property right, and that plaintiffs’ as-applied challenges fail because they are not ripe.”

### **Pipeline Summit Planned for November**

A second edition of the highly successful Pipeline Summit held last April is being planned for after the November 8 elections. The April gathering, jointly sponsored by ABRA and the POWHR coalition that is leading the opposition to the Mountain Valley Pipeline project, was attended by over 120 persons. A planning committee of representatives from both coalitions has begun work on establishing a date, determining a location and developing an agenda. Further information on the November Summit will be forthcoming soon.

### **Further Info Request Made of Dominion**

The Federal Energy Regulatory Commission on August 12 made another request of Dominion Transmission, Inc. for additional and clarifying environmental impact information on the Atlantic Coast Pipeline proposal. The FERC letter is available [here](#).

### ***In the News:***

#### **Local/Atlantic Coast Pipeline**

##### **FERC Will Not Conduct Virginia Pipeline Study**

- NBC29 News – 8/11/16

<http://www.nbc29.com/story/32740141/ferc-will-not-conduct-virginia-pipeline-study>

##### **5th candidates straddle pipeline; talk climate change at forum**

- The News & Advance – 8/10/16

[http://www.newsadvance.com/townnews/politics/th-candidates-straddle-pipeline-talk-climate-change-at-forum/article\\_7ded0f6e-3ea7-5444-9dbb-8fb31a239d24.html](http://www.newsadvance.com/townnews/politics/th-candidates-straddle-pipeline-talk-climate-change-at-forum/article_7ded0f6e-3ea7-5444-9dbb-8fb31a239d24.html)

Candidates’ stances described as “squishy”

##### **Pipeline is ‘a dangerous, bad deal for many’**

- //Farmville Herald – 7/28/16

<http://www.farmvilleherald.com/2016/07/pipeline-is-a-dangerous-bad-deal-for-many/>

#### **Regional/Mountain Valley Pipeline, other**

##### **Counties ask FERC to delay draft environmental impact statement for pipeline**

- Roanoke Times – 8/11/16

[http://www.roanoke.com/business/news/franklin\\_county/counties-ask-ferc-to-delay-draft-environmental-impact-statement-for/article\\_512c4db8-7218-5d36-841c-7474f235001b.html](http://www.roanoke.com/business/news/franklin_county/counties-ask-ferc-to-delay-draft-environmental-impact-statement-for/article_512c4db8-7218-5d36-841c-7474f235001b.html)

Too many questions remain unanswered for the DEIS to move forward say Roanoke, Giles and Craig counties

## Legislators seek increase in pipeline-related public meetings

- Roanoke Times – 8/10/16

[http://www.roanoke.com/business/news/franklin\\_county/congressmen-seek-increase-in-pipeline-related-public-meetings/article\\_3e09a054-3679-572c-83a4-649bf0c565a0.html](http://www.roanoke.com/business/news/franklin_county/congressmen-seek-increase-in-pipeline-related-public-meetings/article_3e09a054-3679-572c-83a4-649bf0c565a0.html)

## Our view: How long will Marcellus gas last?

- Roanoke Times – 8/7/16

[http://www.roanoke.com/opinion/editorials/our-view-how-long-will-marcellus-gas-last/article\\_99240978-9c4d-57a2-83be-bee3ffe43b76.html](http://www.roanoke.com/opinion/editorials/our-view-how-long-will-marcellus-gas-last/article_99240978-9c4d-57a2-83be-bee3ffe43b76.html)

Nobody really knows...and that's the problem!

## Big Picture:

### EPA's science advisers challenge agency report on the safety of fracking

- Washington Post – 8/12/16

[https://www.washingtonpost.com/news/energy-environment/wp/2016/08/11/epas-science-advisers-challenge-agency-report-on-the-safety-of-fracking/?utm\\_term=.cb54e59ba792](https://www.washingtonpost.com/news/energy-environment/wp/2016/08/11/epas-science-advisers-challenge-agency-report-on-the-safety-of-fracking/?utm_term=.cb54e59ba792)

### Turns out wind and solar have a secret friend: Natural gas

- Washington Post – 8/11/16

[https://www.washingtonpost.com/news/energy-environment/wp/2016/08/11/turns-out-wind-and-solar-have-a-secret-friend-natural-gas/?utm\\_term=.083e13a7050f](https://www.washingtonpost.com/news/energy-environment/wp/2016/08/11/turns-out-wind-and-solar-have-a-secret-friend-natural-gas/?utm_term=.083e13a7050f)

Study shows strong correlation between addition of renewables and gas to the grid across many countries.

### Documents Show FERC-hired Contractor Did Not Disclose Work on Related Spectra Pipeline in Atlantic Bridge Project

- DeSmog – 8/9/16

<http://www.desmogblog.com/2016/08/09/exclusive-documents-show-ferc-hired-contractor-did-not-disclose-work-related-spectra-pipeline-atlantic-bridge-project>

### New Report Questions 'Bridge Fuel' Claim

- ECORI – 8/3/16

<http://www.ecori.org/renewable-energy/2016/8/2/can7kpbfont8pf7b2rgwklknnkr5uho>

Report confirms, yet again, that natural gas is a bridge to greater climate change

### Customers could pay \$2.5 billion for nukes that aren't built

- DeSmog – 7/31/16

<http://www.chicagotribune.com/news/sns-wp-blm-nukes-22929660-5e72-11e6-84c1-6d27287896b5-20160809-story.html>

The costs of in-house studies and preparation that result in now kilowatts generated should not be carried by ratepayers...Dominion and other utility giants continue their fleecing of the public

### Risk of Energy East to Water and Atlantic Coast Too Great Groups Tell NEB on First Day of Hearings in Saint John

- Common Dreams – 8/8/16

<http://www.commondreams.org/newswire/2016/08/08/risk-energy-east-water-and-atlantic-coast-too-great-groups-tell-neb-first-day>

Opposition to Keystone XL "Plan B" growing quickly

### Sabal Trail pipeline seizes Florida properties

- Orlando Sentinel – 8/12/16

<http://www.orlandosentinel.com/business/brinkmann-on-business/os-sabal-pipeline-lawsuits-20160811-story.html>

Eminent domain struggles over for most...it's now down to arguing about money